

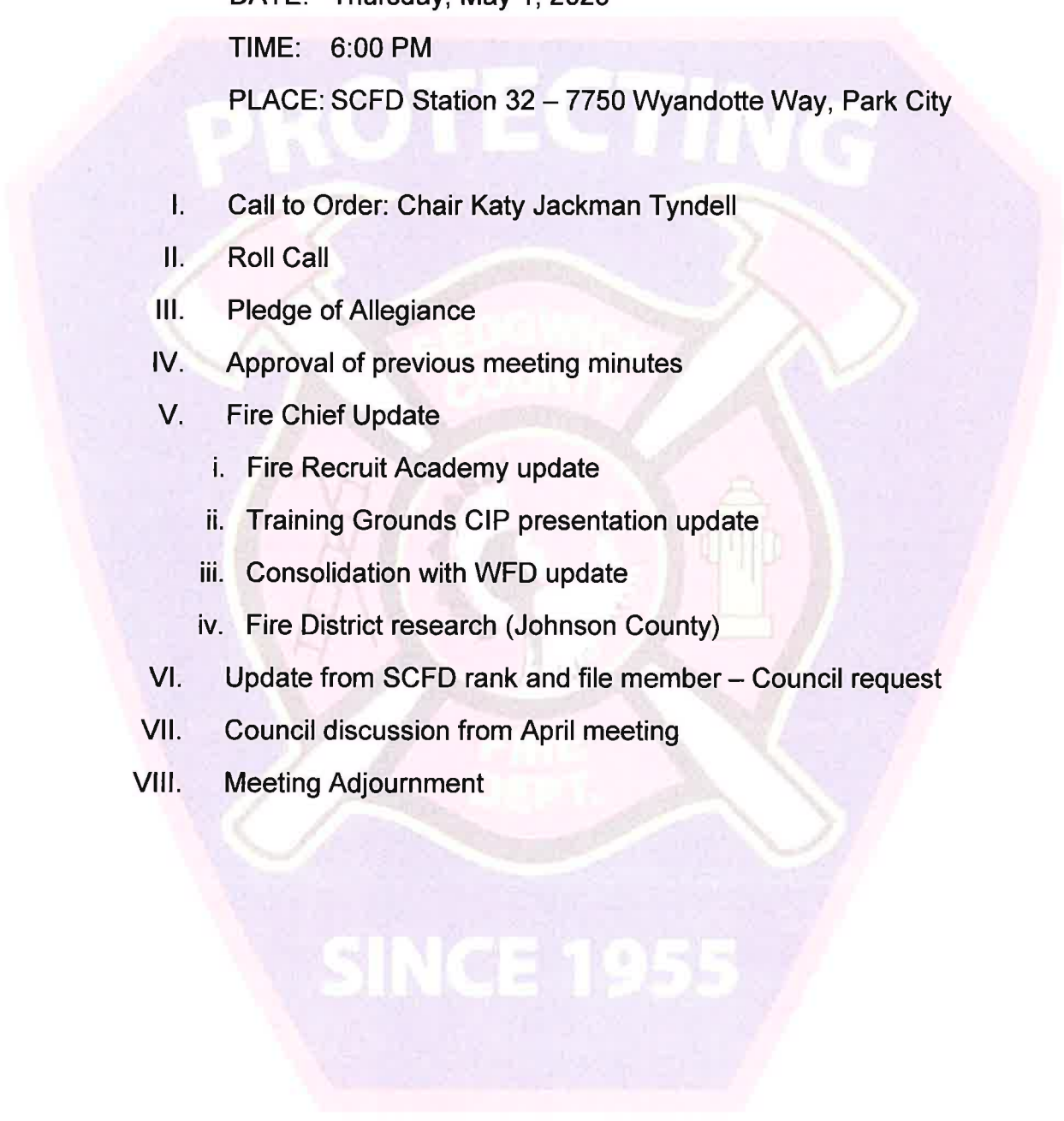
Agenda

Sedgwick County Fire District 1 Steering Council

DATE: Thursday, May 1, 2025

TIME: 6:00 PM

PLACE: SCFD Station 32 – 7750 Wyandotte Way, Park City

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- I. Call to Order: Chair Katy Jackman Tyndell
 - II. Roll Call
 - III. Pledge of Allegiance
 - IV. Approval of previous meeting minutes
 - V. Fire Chief Update
 - i. Fire Recruit Academy update
 - ii. Training Grounds CIP presentation update
 - iii. Consolidation with WFD update
 - iv. Fire District research (Johnson County)
 - VI. Update from SCFD rank and file member – Council request
 - VII. Council discussion from April meeting
 - VIII. Meeting Adjournment



Fire District 1
Steering Council Meeting

7750 N. Wyandotte Way
Park City, KS 67147
316-660-3473

May 01, 2025

Fire District 1 Attendees: Chief Doug Williams, Deputy Chief Brad Crisp, Deputy Chief Kevin Nelson, and Clerk Janelle Davey

Fire District 1 Steering Council Expected Attendees: Jesse Miller/Bel Aire, Russ Lowen/Goddard, Susie Sutton/Haysville, **Vacant**/Maize, Katie Bowen/Park City, Jeff Witherspoon/Member at Large #2 SCAC, BJ Bryant/Member at Large #4 Aircraft Manufacturing, **Vacant**/Member at Large #1 Unincorporated Area, Katy Jackman Tyndell/Member at Large #3 Unincorporated Area

Special Guests: None

I. **Call to Order: Chairman Katy Jackman Tyndell at 1806**

II. **Roll Call**

<u>Steering Council</u>	<u>Roll Call</u>
Katy Jackman Tyndell	Present
Jeff Witherspoon	Present
Katie Bowen	Present
BJ Bryant	Absent
Russ Lowen	Present
Jesse Miller	Absent
Susie Sutton	Present
<u>Vacant</u>	
<u>Vacant</u>	

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III. **Pledge of Allegiance**

IV. **Approval of previous meeting minutes**

<u>Event:</u>	<u>Previous Meeting Minutes</u>
Motion:	Susie Sutton
Second:	Katy Jackman Tyndell
Katy Jackman Tyndell	Aye

Jeff Witherspoon	Aye
Katie Bowen	Aye
BJ Bryant	Absent
Russ Lowen	Aye
Jesse Miller	Absent
Susie Sutton	Aye
Vacant	
Vacant	

V. Fire Chief Update

- i. Fire Recruit Academy Update
- ii. Training Grounds CIP Presentation Update
- iii. Consolidation with WFD Update
- iv. Fire District Research (Johnson County)

VI. Update from SCFD Rank and File Member Update on Morale, new Shift Schedules and any other issues – Council Request

VII. Council Discussion from April meeting – Discussion from Commissioner Howell's visit

VIII. Meeting Adjournment

Event:	Meeting Adjournment
Motion:	Jeff Witherspoon
Second:	Russ Lowen
Katy Jackman Tyndell	Aye
Jeff Witherspoon	Aye
Katie Bowen	Aye
BJ Bryant	Absent
Russ Lowen	Aye
Jesse Miller	Absent
Susie Sutton	Aye
Vacant	
Vacant	

Meeting adjourned at 1930

Williams, Douglas J.

From: Perry, Mark P.
Sent: Tuesday, April 15, 2025 6:06 PM
To: Williams, Douglas J.
Subject: Officer Development Program at the RTC

Chief Williams,

I wanted to respond to our conversation last shift, and reiterate how much of a success the Hands-On Portion of our Officer Development Program was. We had a large number of firefighters from our department that participated in some form or fashion and I was very proud of how many folks stepped up. We also really appreciated the accommodation of the Wichita Fire Department (WFD) members working onsite simultaneously with us. They were very accommodating, and even helped us by providing some equipment during the two days of the program.

Although we were able to complete our scenarios, it was very evident the Regional Training Center (RTC) is limited in its capacity/capabilities and we encountered several "choke points" and "small interferences" throughout the two days we were there. We adapted and overcame as best we could from our initial scenario plans, but these would have presented significant issues had it been a true assessment center or an event which required consistency for grading purposes. There were also several instances which could be looked at as a safety issue with multiple agencies operating on the training grounds at the same time.

- A medical scenario was conducted in which our participants were prompted in the hallway of the main building with their scenario background information. During the conduction of this part of the scenario, many of the participants had the WFD academy recruits and several other people walking through the instructor/participant interaction which caused a distraction to the participants.
- WFD apparatus were coming and going from the training center parking lot during both days for various reasons. They had to be asked to move their trucks several times after they blocked in SCFD apparatus being used for the scenarios. It was not any fault of theirs, and they moved their apparatus for us without hesitation, but it still caused an interference with our participants. In addition, as the WFD apparatus were arriving to the RTC, they unknowing drove into the path of the SCFD apparatus actively responding during scenarios. This created an interference with several of the participants' experience.
- Initially, two scenarios required SCFD apparatus to "respond" to different scenes on the training grounds. In these scenarios, the participants were to respond "lights and sirens" to add the stressors to the participants to make the scenario as real as possible. Inevitably, the sirens were not utilized because the WFD recruits were out drilling on the training grounds and risked acoustic trauma from the loud noise. The apparatus were also not able to drive their pre-determined routes because the WFD recruit class was in the way of the trucks. We were able to find a compromise and work together, but we were not able to stick to the original plans.
- To go into further detail, we had to redraw the responding routes for the apparatus which were involved in the scenarios. After redrawing these routes, it was determined that WFD would use the south side of the training tower and SCFD would operate on the north side of the tower. There were several instances of the WFD recruit operations extending out into the north side of the training tower where our participating apparatus were driving. This could be viewed as safety issue with WFD operating on the ground near our moving apparatus. It was not done intentionally, but it was still another instance of interference between the two groups trying to operate on the same training grounds.

I want to reiterate the training/operations personnel from Wichita Fire Department were very accommodating and did their best to complete their drill cycles and accommodate SCFD's at the same time. During the two days of the Officer Development Program, it just became evident there was not enough room for us both to operate as we would have

ideally liked to at the Regional Training Facility. Two separate facilities would have been ideal for completion of both department's programming.

I listed a few instances above, but I would be happy to speak about it in greater detail if needed. Thanks!

Mark Perry | Captain | Sedgwick County Fire District # 1

Phone: (316) 660-3473 | Cell: (281) 796-8613 | mark.perry@sedgwick.gov

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*...Dedicated to creating safer communities
through prevention, preparedness, and effective
emergency response.*

Cooperative RTC Enhancement

ANALYSIS AND AREAS OF HIGH CONFLICT

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In a collaborative effort, the WFD Training Chief and the SCFD Training Officer have identified the “choke points” and areas of high conflict when it comes to sharing a training facility.

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CREW DEPENDENT TRAINING

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With 66 fire companies making 4-10 requests per day on average, this puts significant demand on the RTC to meet the needs of their own department, let alone meet the needs of others in the region. **As a result, training schedules are often limited or delayed, restricting critical skill development for department specific needs.**

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OUTSIDE USE OF THE RTC

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Expanded Capacity Without Congestion

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Complementary Rather Than Redundant

- Each facility can focus on unique training props or specialized disciplines, reducing unnecessary duplication of expensive infrastructure and props.

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- **The overlapping of training evolutions is also a major concern for safety and stretch training personnel to operational capacity.** The ability to maintain strict control and scene integrity is limited—a key requirement for NFPA 1403 (live fire) and NFPA 1500 (occupational health and safety)

Benefits of Two Distinct, Collaborative Fire Training Facilities

Establishing a dedicated training facility for the Sedgwick County Fire District, in addition to the Wichita Fire Department's existing Regional Training Center (RTC), creates a powerful opportunity for enhanced firefighter development, increased safety, and regional resource optimization.

Expanded Capacity Without Congestion

- Reduces overcrowding at the current RTC, which is operating at maximum capacity.
- Allows both departments to conduct essential training simultaneously without scheduling conflicts.
- Minimizes the need for prolonged delays between training cycles, helping both departments stay compliant with NFPA standards.

Complementary Rather Than Redundant

- Each facility can focus on unique training props or specialized disciplines, reducing unnecessary duplication of expensive infrastructure and props.

Example: One site can specialize in rural/county operations while the RTC expands to a more urban type training site.

- Encourages collaborative planning between departments to develop a regional training system where both facilities contribute unique capabilities.

Joint Use Opportunities & Mutual Aid Training

- Promotes joint training exercises and inter-agency coordination, which is essential in large-scale or mutual aid incidents.
- Enables cross-training opportunities, including use of each other's specialty props or scenarios (e.g., confined space, high-angle, or grain rescue).
- Supports regional resilience through shared access in case one facility is down for maintenance or overwhelmed during high-demand periods.

Planning For The Future

- Strengthens recruitment and retention for both departments by showing a commitment to firefighter development and safety.
- Allows the flexibility to adapt to new training challenges as the county and the city continue to grow.

SEDGWICK COUNTY FIRE DISTRICT 1

p: (316) 660-3473 | 7750 N. Wyandotte Way | Park City, KS 67147
sedgwickcounty.org/fire



SCFD Additional Information

Johnson County – Region Fire System: History and Operational Structure

Executive Summary

Johnson County fire protection is made up of five city departments and three fire districts. The county fire districts cover the grouping of small city governments in the northeast corner of the county and a majority of the south and west unincorporated territory. The two districts that cover unincorporated territory are split geographically to cover the city of De Soto in one district and Edgerton, Gardner, and Spring Hill in the other district. The largest district both in square miles and fire stations is Consolidated Fire District 1 which is now ran by the BoCC of Johnson County. This current makeup is the resultant of decades of functional consolidation between fire districts and with municipal fire departments.

Johnson County also current stations a majority of its EMS ambulances in county and city fire stations. Something important to note is that this is actually a resultant of deconsolidation in Johnson County emergency services. The respective EMS ambulances used to be ran by the fire departments, but the county took over operations after the implementation of MED-ACT department. After discussion with the Fire Chiefs at Johnson County it should also be noted that they enjoy having EMS stationed at their fire stations and this represents a more consolidated approach than what is currently being used at Sedgwick County. SCEMS currently co-locates with SCFD at two locations, Station 35 in Goddard and Station 36 near Oaklawn.

Fire District and Departments' Geographical Coverage

Johnson County fire protection is made up of 5 city fire departments: Shawnee, Lenexa, Olathe, Leawood, and Overland Park fire, and 3 fire districts: NW Consolidated Fire District, Consolidated Fire District 2, and Consolidated Fire District 1.

- Shawnee covers the City of Shawnee and Lake Quivira.
- Lenexa covers the City of Lenexa.
- Olathe covers the City of Olathe.
- Leawood covers the City of Leawood.
- Overland Park covers the cities of Overland Park, Merriam, and parts of unincorporated Miami and Johnson County.
- NW Consolidated Fire District Covers the City of De Soto and the northwest portion of unincorporated Johnson County.
- Consolidated Fire District 2 covers the eight municipalities of Mission, Prairie Village, Roeland Park, Fairway, Westwood, Westwood Hills, Mission Woods and Mission Hills in the northeast portion of the county between Overland Park and Leawood.
- Consolidated Fire District 1 covers the cities of Edgerton, Gardner, and the unincorporated portions of south Johnson County as well as some of the unincorporated portions of Miami County.

Figure 1: Map of Fire Coverage

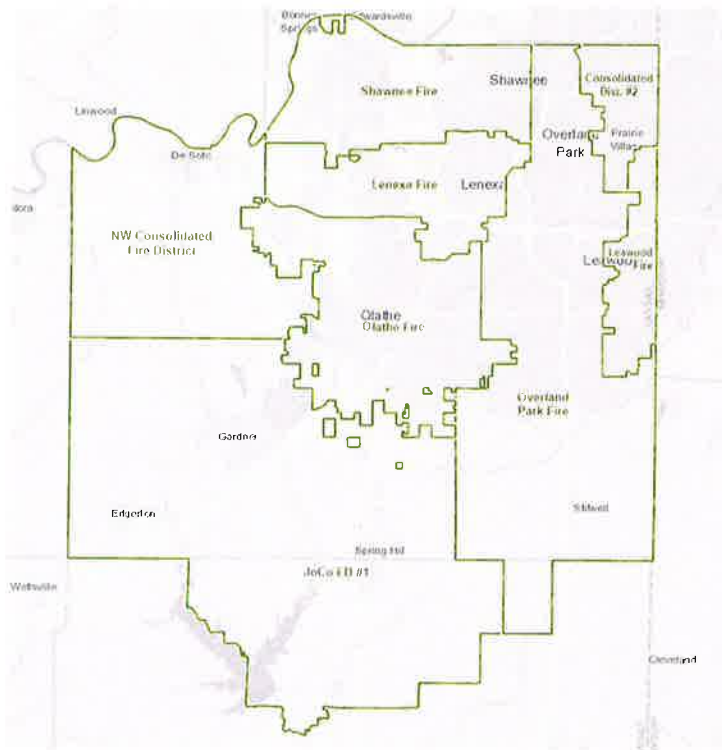
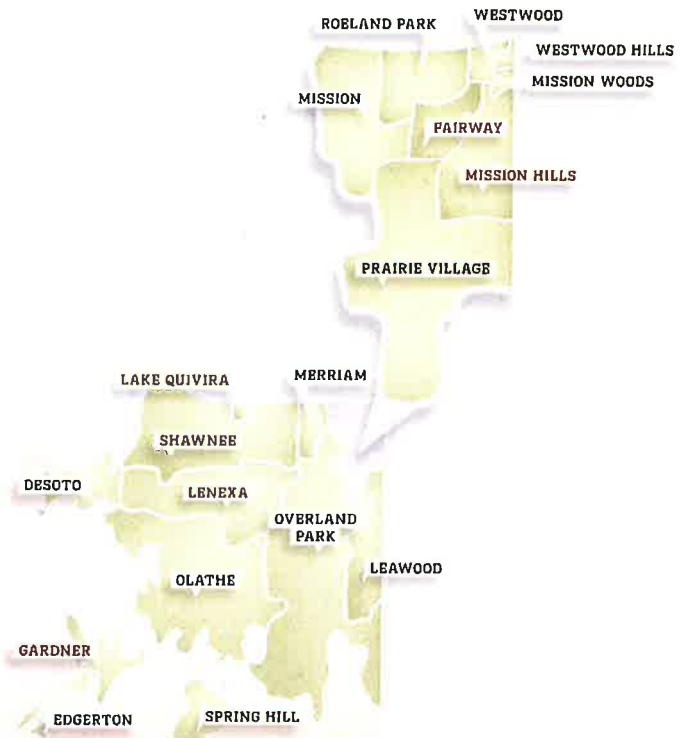


Figure 2: Map of Cities in JoCo



The Districts' Organizational Structure and Consolidation History

All three fire districts are their own taxing district and operate separate from one another besides mutual aid agreements between Northwest Consolidated Fire District and Consolidated Fire District 1.

Northwest Consolidated Fire District

Operational Structure

The Northwest Consolidated Fire District has a 5 person Fire Board made up of 3 city representative (City of De Soto) and 2 county representatives. This 3-2 split flips every 3 years during reappointment. The board appoints the Fire Chief for NWCFD and is responsible for approval and oversight of the operating budget. The final budget needs to be approved by the BoCC.

The Northwest Consolidated Fire District operates three fire stations:

- Station 11 – 9745 Kill Creek Rd, De Soto, KS
- Station 12 – 29520 W 127th St, Olathe, KS
- Station 13 – 33150 W 83rd St, De Soto, KS

History of Consolidation

Johnson County Fire District 3 took over Lexington Rescue Company and started staffing station 1 in 1992. In 2010, both De Soto Fire Department and Johnson County Fire District 3 merged to create the Northwestern Consolidated Fire District.

This fire district was created by the state and not by the BoCC. The BoCC only approves the budget, but does not have control over day to day operations.

County contributed funds to build new fire station near the Panasonic campus. Fire district did not contribute any funds.

This fire district does not pay County administrative fees. IT is the only service provided by the County.

75% of revenue comes from De Soto and 25% from the unincorporated areas. This is expected to become more dominated by De Soto in coming years.

All policies and procedures are separate from the County.

Consolidated Fire District 2

Operational Structure

Johnson County Consolidated Fire District 2 has a 7 person Fire Board. The makeup of the board is not governed by charter, but the BoCC tries to make representation of the 8 municipal governments covered by CFD2 as high as possible. Currently 7 cities are represented on the Fire Board. The Fire Chief and budget are governed in the same way as NWCFD.

Consolidated Fire District 2 operates three fire stations:

- Station 21 - 6400 Martway Street, Mission, KS
- Station 22 - 3921 W 63rd Street, Prairie Village, KS
- Station 23 - 7810 Mission Road, Prairie Village, KS

History of Consolidation

In 1962 Johnson County Fire District 2 consolidated with Mission Township District 2 and Johnson County Fire District 3. After this consolidation the northwest district in Johnson County was renamed to Fire District 3 and is now the Northwest Consolidated Fire District. In 1988 Johnson County Fire District 2 consolidated with Mission Fire District 1 and was renamed to Johnson County Consolidated Fire District 2.

CFD2 does not pay administrative fees to the County. IT is the only service provided by the County.

BoCC approves the annual budget, but does not have day to day control of this fire district.

All 7 fire board members appointed by one Commissioner as all cities are in the same County district.

7 board appointments rotate between the eight cities in the fire district.

Fire Chief does not report to anyone in the County. Reports to the Fire Board.

CFD2 has their own policies with no County oversight or input.

CFD2 has a civilian position for HR/Finance with additional financial support from a contracted accountant.

CFD2 benefits are separate from County.

CFD2 does include administrative fees in all grant requests.

CFD2 utilizes an employment attorney for all legal needs.

CFD2 has a civilian position for IT/Data Analyst in addition to the IT services provided by the County.

Has utilized bonding in the past to fund a fire station.

They do pay a portion of the Medical Director salary/costs.

Consolidated Fire District 1

Operational Structure

There is currently an ongoing consolidation between Johnson County Fire District 1 and Johnson County Fire District 2 to form Johnson County Consolidated Fire District 1. The proposed structure of such consolidated fire district has been described as follows. The BoCC will sit as the new Fire Board for Consolidated Fire District 1. There will be a JCCFD1 Advisory Board made up of the previous Johnson County Fire District 1 Fire Board. The County's Fire Services Administrator (Jim Francis) will advise JCCFD1 Advisory Board on the budget and make recommendations to the BoCC for budget approval.

Consolidated Fire District 1 currently operates 5 fire stations:

- Station 81 - 33364 W. 191St, Edgerton, KS
- Station 82 - 29000 W. 183rd St, Gardner, KS
- Station 83 - 490 New Century Pwky, New Century, KS
- Station 84 - 20500 W. 207th St, Spring Hill, KS
- Station 85 - 400 E. 3rd St, Edgerton, KS

History of Consolidation

In 1993, Gardner Rural Fire Department, Edgerton Fire Department, and Johnson County Fire Rescue (Formally IAFD) consolidated to form Fire District 1 of Johnson County. The ambulance service that IAFD had operated was also dissolved at the time of consolidation, allowing for Johnson County Med-Act to provide transport services.

In 2010 the City of Gardner Fire Department and Fire District 1 of Johnson County consolidated.

In 2021, Fire District 1 began providing fire/rescue services to a portion of Fire District 2 which was previously Southern Johnson County Fire District but was renamed to Fire District 2 after the northeast district was renamed from Fire District 2 to Consolidated Fire District 2. This 2021 move took place as the beginning steps of dissolving/merging Johnson County Fire District 2. The BoCC took over as the Fire Board, Fire District 2's personnel was moved to Fire District 1 and Overland Park, and Fire District 2 began to contract Fire District 1 for fire protection services.

In 2025 the BoCC officially merged Fire District 1 and Fire District 2 to create Johnson County Consolidated Fire District 1. The only hiccup in them being fully merged is that the previous taxing jurisdiction of Johnson County Fire District 1 will be responsible for paying extra mills to cover current bond debt for CIP projects of the previous Fire District 1 until 2040.

This consolidation should be effective on 1/1/2026.

This fire district reports to the BoCC through the Johnson County Deputy Director Fire Services Administration.

Shared services will include Finance, payroll. Legal may be a shared service in the future.

Fire district will likely have their own HR personnel.

Fire district is not obligated to pay admin fees for all County services and operates under fire district policies.

EMS Consolidation

Fire-EMS (MED-ACT) Pseudo-Consolidation

Overview

There is pseudo-consolidation between the fire departments/districts and the counties EMS service MED-ACT. MED-ACT operates 22 ambulances across Johnson County. MED-ACT has ambulances in fifteen local fire department stations, and four are housed and maintained in standalone ambulance stations. 3 of those ambulances are housed in County Fire Districts, 1 in each fire district.

Operation

Currently MED-ACT functionally pays "rent" to the fire departments and districts for being able to use their office/garage space. Historically the municipal fire departments were happy to give the space to MED-ACT as it meant that they didn't have to run ambulances, but within the past 5-10 years those agreements have become more formal and MED-ACT has begun to pay rent to the municipal fire departments.

Although the ambulances are housed in the fire departments MED-ACT is a county-wide service and thus an ambulance's service area will expand out of the respective fire district/department boundary. EMS station 59 is located in NWCFD station 11, EMS station 33 is located in

Consolidated Fire District 2 station 22, and EMS Station 57 is located in Consolidated Fire District 1 station 81.

Davey, Janelle

Subject: FW: Opinions re: Sedgwick County Fire District Number One

From: Leeds, Russell <Russell.Leeds@sedgwick.gov>
Sent: Wednesday, April 9, 2025 11:31 AM
To: Williams, Douglas J. <Douglas.Williams@sedgwick.gov>
Subject: Fw: Opinions re: Sedgwick County Fire District Number One

FYI,

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From: Waggoner, Justin M. <Justin.Waggoner@sedgwick.gov>
Sent: Wednesday, April 9, 2025 11:14:47 AM
To: Leeds, Russell <Russell.Leeds@sedgwick.gov>
Subject: Fwd: Opinions re: Sedgwick County Fire District Number One

FYI

Sent from my iPhone

Begin forwarded message:

From: "Waggoner, Justin M." <Justin.Waggoner@sedgwick.gov>
Date: April 9, 2025 at 6:18:00 AM CDT
Cc: "Stolz, Thomas (thomas.stolz@sedgwick.gov)" <thomas.stolz@sedgwick.gov>, "Poe Rousseau, Lindsay D." <Lindsay.PoeRousseau@sedgwick.gov>, "Sponsel, Kirk W." <Kirk.Sponsel@sedgwick.gov>, "Stamper, Kevin T." <Kevin.Stamper@sedgwick.gov>, "Henry, Thomas D." <Thomas.Henry@sedgwick.gov>
Subject: Opinions re: Sedgwick County Fire District Number One

Commissioners [sent to all Commissioners via BCC],

With respect to Sedgwick County Fire District Number One (SCFD #1), alternate opinions have been circulating which are contrary to legal opinions that have been provided by the County Counselor's Office and opinions provided by the Division of Finance. For the sake of clarity, I wanted to ensure that you all have the benefit of seeing the opinions from your staff members.

Please contact me directly if you have any questions.

Question 1: Sedgwick County charges SCFD #1 approximately \$600,000 per year in administrative charges. These charges cover services that are provided by the Manager's Office, Finance, Human Resources, the County Counselor's Office, and other general services. Can SCFD #1, for example, opt-out of Finance and Human Resources charges to reduce their overall costs? Can SCFD #1 opt-out of receiving all of these administrative services in order to eliminate these administrative charges?

The answer to both questions is "no". The following is from Lindsay Poe Rousseau and I concur with the analysis.

This 'cost allocation plan' process is required by federal regulation, OMB A-87. "Administrative charges" come from the Cost Allocation Plan, which spreads the audited actual expenditures for county support services to all cost centers in order to (1) enable identification of the full cost of each program (as opposed to the direct costs that are shown in the program budget), (2) charge federal and state grants for the cost of support services that are essential to grant-funded programs but are initially paid by local taxpayers, and (3) reimburse the General Fund for administrative expenditures it bears to support other Funds. The idea is that programs intended to be funded by grants or other dedicated revenue streams should not be subsidized by county taxes, which they are if General Fund administrative service costs are not allocated to them. The process for doing this is prescribed by the federal regulation, and we have to submit it to the feds as part of our audits so they can assure that we're doing it properly. The regulation also says that we cannot assess administrative charges against federal grants unless we also charge them against other programs that are not funded by federal grants. In keeping with the requirement that we assess administrative charges equitably against federal grants and non-grant-funded programs alike, we strive to impose the charge against every non-General Fund program or project unless we are legally prohibited from doing so. Some grants and other funding sources, for example, contain explicit prohibitions against the imposition of administrative charges. We calculate the administrative charges of General Fund programs in order to identify the full cost of service, but we do not generally impose the charges because to do so would cause double counting of expenditures within the General Fund.

Question 2: K.S.A. 19-3612a allows the Board of County Commissioners to appoint a board of trustees to manage most aspects of Sedgwick County Fire District Number One, although the BoCC would still retain budgetary authority. Would the answer to Question 1 be different if Sedgwick County had a board of trustees established pursuant to K.S.A. 19-3612a?

No, the answer would remain the same as above. Under the board of trustees scenario, the BoCC would still be in charge of approving the SCFD #1 budget and the board of trustees would serve at the pleasure of the BoCC. As a result, under federal regulations and auditing standards, SCFD #1 would not be distinguished from Sedgwick County and the same rationale indicated above would apply.

Question 3: Can a city within SCFD #1 unilaterally withdraw from SCFD #1?

No, under Kansas law, any withdrawal of a city from SCFD #1 could only occur after: (1) a petition signed by the owners of at least 10% of the area of the lands sought to be excluded from SCFD #1; and (2) approval of that land being removed from SCFD #1 by the BoCC. Unilateral action from a city cannot remove it from a fire district.

The statute specifically states that the BoCC "may adopt and publish a resolution...detaching the lands described in the petition...from the fire district." K.S.A. 19-3604. Due to the usage of the word "may", the BoCC would retain discretion on whether or not to remove the land from SCFD #1. The statute does not require the BoCC to let a city get out of a fire district simply due to a request of its governing body or a petition submitted by property owners. I have personally provided this opinion for many years, former County Counselor Mike Pepoon vocalized this opinion to the BoCC during a budget hearing in 2022, and City of Maize legal counsel reached the same conclusion in 2022 after the City of Maize had inquired about the possibility of getting out of SCFD #1.

An explanatory statement from the Supreme Court of Kansas specifically supports the opinion above, as the Court stated, “[i]n fact, the procedure to disorganize or alter the territory of a fire district is rigid and specifically laid out in K.S.A. 19-3604...” *Delaware Township v. City of Lansing*, 316 Kan 86, 91 (2022). In that opinion, the Supreme Court of Kansas upheld an interlocal agreement that took the *funding* from the fire district and provided it to the city, but the Court did not alter the fire district’s boundaries. SCFD #1 does not have any interlocal funding agreements similar to the case cited above, so the only portion of that opinion that is applicable to Sedgwick County’s situation is that there is a rigid process to take land out of a fire district.

This is a sensible policy, as it would seem clear that cities should not be able to easily jump out of a fire district unilaterally, especially after a fire district may have built fire stations within that city and planned its operations and financing around that city being located in the fire district. If cities could unilaterally get out of a fire district, it would be a challenging proposition for any fire district to add a city into its boundaries based upon the risk that the city would be able to get out of the fire district on its own at any point in time.

Question 4: Can Sedgwick County incur expenses for SCFD #1? Alternatively, could Sedgwick County operate a fire department that would be funded in part by SCFD #1?

No, these actions would not be permissible under Kansas law. While the potential rationale is understandable (lowering the SCFD #1 mill levy to entice cities to join SCFD #1), Kansas law does not support these types of action, as they would amount to using the County’s county-wide taxation powers to support a special district specifically created to provide fire protection services, or alternatively using a special district’s taxation powers and provided the taxes to the County’s general fund.

The Supreme Court of Kansas has noted that “[w]here money is raised by levy of taxes for specific purposes, it may not be diverted to another purpose...” before finding that tax money raised for such a specific purpose could not properly be transferred into the county general fund. *School Dist. No. 40, Ford County v. Board of County Commissioners of Clark County*, 155 Kan. 636 (1942). In our scenario, taxation by a fire district (classified as a “special district” under state law) occurs for specified purposes established within K.S.A. 19-3610 and K.S.A. 19-3612e. It seems likely that then transferring that money to the County’s general fund, regardless of the reason for such transfer, would run afoul of that case. So it does not appear to be permissible to create a Sedgwick County fire department where SCFD #1 would exist as a revenue generating mechanism for such fire department.

There may be a related consideration about whether a transfer of funding between the County and SCFD #1 could occur by agreement. A statute referenced in the prior paragraph that is especially on-point here is K.S.A. 19-3610. That statute indicates that fire districts can contract with other fire districts, cities, townships or private entities to furnish fire protection to the district—and then make a tax levy to cover those costs. What is notable is that statute does not indicate that fire districts may contract with *counties* to provide fire protection. K.S.A. 19-3621 similarly contemplates fire districts entering into agreements for fire protection with other municipalities, but the statute does not include counties in the listing of such municipalities.

An opinion of the Kansas Attorney General indicated that “once the board of county commissioners ‘triggers’ the process of creation of a fire district, the matter of fire protection in the district thus created is no longer a matter of ‘county business’ upon which home rule powers may be exercised, but is only the business of the fire district.” As a result, the Attorney general determined that, “the question of payment of salaries of fire district personnel is not a matter of ‘county business’ but rather a matter of business of the fire district and its governing body.” Kan. Att’y Gen. Op. No. 80-89. In essence, Kansas law does not appear to support the possibility of County general fund taxpayers supporting the operations of SCFD #1.

Thank you,



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